

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA

Plaintiff

Vs.

Thomas W. Hird

Defendant

4:19CR3038

DEFENDANT’S OBJECTIONS AND
CHALLENGE OF GRAND JURY
INDICTMENT

Comes now, Thomas W. Hird, hereinafter known as Defendant, as per Rule 12(b)(3)(B), and complains that the Government’s Prosecutor did not advise the Grand Jury of all the facts before seeking an indictment against the Defendant. And for the following good and sufficient reasons would show that the Grand Jury indictment against Defendant should be voided:

I.

BACKGROUND

The Declaration of Independence which is superior to the Constitution for the United States of America states; “*We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.*” The phrase “*among these*” is used indicating that the few listed are among the many unalienable

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rights with which all Men are endowed. This also includes the right to work and earn a living being a necessary part to complete the aforementioned rights.

While corporations are entities subject to the rights afforded them by their creators (i.e. The United States of America), according to the “Declaration-of-Independence”, Thomas W. Hird is a human being who is endowed with many rights that are recognized by the United States Government. Among these rights is the right to earn a living.

II.

THE TEST AND EXPLANATION

If a tax can be imposed on an individual’s personal income so that if not paid, the individual’s income and liberty can be taken away, then either the right was not a right or the tax is illegal and un-Constitutional. If a right can be taxed so as to remove that right, then the tax itself cannot be considered legal or compulsory, only voluntary at best. This is not in controversy to Amendment XVI of the Constitution for the United States of America. Entities created under the laws of the United States of America are still subject to income taxation under Amendment XVI.

Counsels for the Plaintiff, in attempting to prosecute Defendant, ignore the fact that even they, personally, as natural born individuals, possess those same unalienable rights defined in the “Declaration-of-Independence” and cannot be required to pay a tax on personal income. Counsel for Plaintiff’s personal income as an individual is not included in the scope of Amendment XVI taxation by the very aforementioned “test and explanation”. The Government only has jurisdiction to require an income tax on entities

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that are created under the Government's laws and not individuals of natural birth possessing unalienable rights predating and superior to the Constitution for the United States of America and the subordinate laws therein.

The Constitution for the United States of America makes a clear and defined discretion between the enumerations made therein and the rights already possessed by the people as defined more specifically in Amendment IX of the Bill of Rights. To-wit; "*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people*" clearly indicating that there are rights that are superior and preexisting to the Constitution for United States of America and any subordinate law(s) or legislative capacity. Amendment XVI to the Constitution for the United States of America cannot be construed as to deprive a man of any of his preexisting superior rights. Any monies paid in the form of taxes by the people are no longer taxes, but can only be considered "donations-in-kind" to support the Government and voluntary at the discretion of the payee. Therefore the charge of "fraud" cannot be applied.

III.

FACTS

Had the Grand Jury been advised of the Defendant's aforementioned rights, it is inconceivable that any individual on the Grand Jury would have voted to indict, let alone the jurors achieve the majority vote required to obtain a criminal indictment.

IV.

PRAYER

THEREFORE; The Defendant hereby demands that he be provided copies of the Grand-Jury proceedings at the earliest possible date and with time to review them before any further activities in the case occur.

FURTHERMORE: Defendant asks this solely in the interest of Justice and not for unnecessary delay. Defendant waives time if necessary, for this request as defined in the Speedy Trial Act.

FURTHERMORE: Defendant further requests the Honorable court to not honor or entertain any request for dismissal by Attorneys for the Government before certified copies of the Grand Jury proceedings have been delivered to Defendant for Defendant's review.

FURTHERMORE: Defendant agrees in advance to pay any reasonable costs of duplication to meet this request.

Respectfully submitted



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Certificate of Service

I certify that on the 23rd day of March, 2021, a true and correct copy of the foregoing instrument has been forwarded via the service E-mail address on file to:

Tessie L. Smith

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